



PRELIMINARY DRAFT

No. 3435

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 29-1-10-21.

Synopsis: Probate administration. Specifies that all authority to act concerning a probate estate is vested exclusively in the personal representative. Provides that the majority in interest of the distributees may consent to the personal representative taking an action that would otherwise be prohibited by statute. Provides that a court may not approve a prohibited action unless the statute expressly permits a court to do so.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 29-1-10-21 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 21. (a) All authority to act with respect to an estate**
4 **administered under IC 29-1-7 and IC 29-1-7.5 is vested exclusively**
5 **in the personal representative.**
6 **(b) If this article prohibits an action by the personal**
7 **representative, the prohibition will restrict the personal**
8 **representative, regardless of court order, unless:**
9 **(1) a majority in interest of the distributees expressly consent**
10 **to the proposed action; or**
11 **(2) the statute imposing the restriction expressly permits a**
12 **court to approve the prohibited action.**

